

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, OCTOBER 5, 2004

Chair Gibson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners: Gibson, Parsons, Frautschi, Dickenson, Long, Wozniak, Horton
Absent, Commissioners: None

Present, Staff: Community Development Director Ewing (CDD), Principal Planner de Melo (PP), City Attorney Savaree (CA), Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS: None

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR

4A. Planning Commission Minutes 9/7/04

MOTION: By Vice Chair Parsons, seconded by Commissioner Horton, to approve the Minutes of September 7, 2004 as presented.

Ayes: Parsons, Horton, Frautschi, Dickenson, Long, Wozniak,
Gibson
Noes: None

Motion Passed 7/0

5. PUBLIC HEARINGS

5A. PUBLIC HEARING – 2702 Monte Cresta Drive

To consider a Single-Family Design Review and Variance to construct a new 2,116 square-foot single-family residence that is below the zoning district permitted 2,159 square feet for this site.

(Appl. No. 03-0037)

APN: 043-311-860; Zoned: R-1B (Single-Family Residential)

CEQA Status: Categorical Exemption per Section 15303, Class 3(a)

Applicant/Owner: Gurpreet Sachdeva

PP de Melo noted that staff had reassessed the project plans for 2702 Monte Cresta Drive and 2708 Monte Cresta Drive and recommended continuance of the Variances and Single-Family Design Reviews for both projects due to some discrepancies relative to the proposed heights of the retaining wall adjacent to the driveway and concerns about bulk and massing of the projects.

PP de Melo briefly summarized the staff report for 2702 and noted that he had met with two adjacent property owners who were concerned about their private views as well as stability of the site relative to their properties upslope of the proposed building sites.

Responding to C Frautschi's request, PP de Melo agreed to provide the geotechnical and geological report dated November 2003 that was referred to in the Cotton Associates latest report, and suggested that the applicant and Cotton representative could describe the plan for stabilization of the construction excavations during their presentations. C Frautschi also asked staff to think about including in their follow-up report a section describing specifically the application of this project to the San Juan Canyon Hills Plan.

Gurpreet Sachdeva, applicant/owner, thanked staff and neighbors for their support over the last few years, and presented background information on the project, including photographs of the surrounding area.

Jerry Chapman, Architect, explained how they determined the siting and design of the project, and answered questions from the Commission.

Chair Gibson opened the public hearing.

Jamie Dal Porto, 2615 Barclay Way, stated that she was never directly notified of any activity regarding these applications, the mailing list provided by the applicants was inaccurate, and the packet provided did not include information needed to evaluate the plan. She asked the Commission to deny or continue the project until all proper notifications are sent and property owners are fully able to evaluate the proposed building. She added that the lots in question are in a documented landslide area, and believes the view from their home will be blocked and their privacy impacted. Regarding the neighborhood meeting, she noted that the statement in the packet that all interested parties were "pleased" with the plans was inaccurate. After being advised of the meeting by a neighbor, she attended and raised several concerns indicating that they were not pleased, contrary to what was stated in the packet. She urged the Commission to consider both her and her neighbors' concerns when making decisions regarding the application.

Chair Gibson noted that the zoning code does not give the Commission authority over private views and asked staff to respond to Ms. Dal Porto regarding noticing.

CDD Ewing stated that, when staff receives notice lists with an application they do their best to double check it, but do not always hit 100%, so that it is very possible that the notice list was defective.

Lawrence Blake, 2613 Barclay Way, stated his opposition to the project, noting that it will lower his property value, the wooded canyon view will be obscured, the buildings will destroy the

tranquility of the neighborhood, and inundate it with dust during the many months of construction. He felt that removing large segments of dirt could possibly set off a chain reaction underground and could result in slipping or sliding, and added that if, in the future, any slippage of his property should result because of this construction, the City of Belmont and the owner of this property will be looking at a huge lawsuit. He stated that he expects a copy of the transcript of the decision of the Commission.

Chair Gibson stated that the Minutes of the meeting will be made available in due time.

Arnold Ramos, 2800 San Ardo Way, stated his concerns about street parking at 2801 San Ardo and 2623 Monte Cresta, and soil instability caused by water coming out of a pipe that he found when excavating part of the slope on his property.

Joseph Dal Porto, 2615 Barclay, stated that, in checking the map of the 300' circle that was provided in the packet, there were 16 addresses that were not notified of the proposed building at 2702 Monte Cresta and 21 for 2708. In addition, the notice for his home was addressed to the previous owner so he wouldn't have opened it; he and his wife have lived there for over two years. He did not feel it was fair that addresses that were going to be affected were not notified. Chair Gibson suggested that he leave a copy of the map he had marked with the Recording Secretary.

Mr. Chapman offered to provide a copy of the sheets of mailing labels that were mailed to the neighbors.

Glen Romig, whose firm prepared a geotechnical investigation of the properties, briefly explained recommendations made in his report, noting that the soil nail will be a very favorable approach to addressing the stability of the site. He added that to deal with the landslide area on the western side of the property in terms of stabilizing it completely would require support from the neighbor to the west but for this project it is not really necessary to stabilize it per se. Incorporated into the project planning is a stitch peer retaining wall to protect the residence from land slippage if it does occur on the property to the west. This is a row of drilled piers that go down 15-20' below the slide material and will protect the residence and isolate this feature from having any impact on the project.

PP de Melo clarified that the slide area is for the western edge of 2708, which will be discussed as part of the following agenda item; the geotechnical design recommendations that are being proposed are in relation to the walls and the stairway for that property. There is no slide activity for 2702.

Chair Gibson asked how they plan to take that first bite out of the hillside 25' up at the top of a cliff. Mr. Romig replied that he'll leave that up to the contractor but assumes it would be done with an excavator and portable drilling equipment.

Responding to C Horton's questions, Mr. Chapman explained the staging process and stated that to his knowledge there would be no blasting – just digging and drilling, and if they come across hard rock there would be jack hammering. Mr. Romig confirmed that it would be very remote for blasting to be required for this type of formation.

Daljit Grewal, 2621 Barclay Way, stated that his property goes all the way to Monte Cresta and that there have already been several small landslides on his property in the last 3-4 years. He questioned what kind of guarantee they can provide that neighboring houses won't slide when they start digging on the proposed project.

MOTION: By Commissioner Dickenson, seconded by Commissioner Horton, to close the public hearing. Motion passed.

Responding to C Wozniak's question regarding the City's liability if the Commission approves the project, CDD Ewing stated that the duty is to the property owner to not damage the neighboring property; it is not the City's duty.

Mr. Romig interjected that with the soil nail retention system that is going in, the properties upslope of this property are not going to be affected at all – the same amount of retention will be put back into the hills as is being relieved from the cuts.

C Long stated that he felt the applicant made a good presentation but felt it is a very problematic site and that there are enough issues with bulk and excessive grading and additional factors that made him question whether this is a site that is prudent to build upon. He questioned if it is a site that is prudent to build upon, whether these particular proposals are the right proposals. He was troubled by the property and was not sure where it can go from here.

C Horton agreed with C Long on a number of the issues, stating that she understood why the design is the way it is but it is in fact some 55 to 60 feet tall from the street and believed that the City is trying to stop building fortress-looking houses. She added that there is a section in the San Juan Hills Area Plan on controlling building height and suggested that somebody take a look at that. She was also concerned about what the neighbors are going to experience during excavation and exactly how long that will take, how the project is going to be staged, and the space over the garage. She also felt that there needs to be some landscape plans in the package; there should be some planting to hold the soil back when construction is finished.

VC Parsons noted that the General Plan calls for not building on lots steeper than something like 30%, and he was aware that they have denied projects in the past where they've been on a steep slope. Part of this slope is 1:1 and the report says that the overall average is 42%; to him the lot is unsafe to build on and there's no way it can be built on easily. The project as proposed has about 6,000 to 8,000 cubic feet of bulk that he would have to vote against because the space over the garage does not need to be there and sit vacant. He would suggest that that the top floor come off and those spaces be put down into the lower areas. He stated that he could not approve the project the way it is and suggested that they take another look at the feasibility of building on this property based on the slope. If they do decide to go forward, he suggested that they look at coming back with a garage that is detached from the house as a possible solution.

C Frautschi stated that he is being guided by the following sentence from page 43 of the San Juan Hills Plan: "Insure that new structures are designed to protect the visual and natural resource quality of the hillsides." He added that the staff report says "The face of the hillside would be

dramatically altered by the proposed construction.” He was not certain that that is what he wanted to see. He agreed with everything Commissioners Long, Horton and Parsons had said and agreed with staff’s recommendation that they continue both parts of the proposal. He stated that he could not approve a Variance for a stairway into public right-of-way until he knows exactly what the building is going to look like and that the applicant has done everything possible to integrate it into the building.

C Wozniak agreed with what had already been said and was additionally concerned for the safety of the site. She felt that it would be hard to build on and was concerned for the safety of the neighboring properties.

C Dickenson agreed with his fellow Commissioners regarding the bulk of the building and the stairway. He said that there is no way that he could vote on a Variance for a stairway that is not integrated into the greater plan.

VC Parsons mentioned another project where the owner had bought a house with the same kind of stairway on a similar hillside. They now have children and an older father who cannot get from the street up to the house. They said they probably would not have bought the house if they’d realized that they would have to go up those stairs every day with groceries, kids and older people. He suggested that if the owner is going to build something like this they consider possibly putting in some kind of a transportation device like an elevator.

Chair Gibson suggested that the applicant get a couple of weights and carry them up and down the stairs in a five-story building a few times to see how he feels about that. He noted that the average slope may be 52% but it starts out at something like 120% and where the house is being built is some humongous number. He had conveyed his concerns to staff prior to the meeting, after reviewing the plans and visiting the site. His conclusion was that there are some properties that should not be built on and does not think there is any way to build anything on this property that isn’t an eyesore and an insult to the community and its San Juan Plan, its General Plan and its Vision Statement and all they stand for. He also believes it would be a significant hazard. He has seen some very serious problems arise with construction sites like this and suggested that the applicant go find another site, but if he persists and presses forward he should get himself a reputable licensed architect to design a house and come back with a set of plans that make sense.

MOTION: By Commissioner Long, seconded by Commissioner Frautschi, to continue 2702 Monte Cresta Drive until a date to be determined in the future. (Appl. 03-0037)

Ayes: Long, Frautschi, Dickenson, Horton, Wozniak, Parsons, Gibson
Noes: None

Motion Passed 7/0

Chair Gibson called for a break at 8:15 p.m. Meeting resumed at 8:21.

5B. PUBLIC HEARING – 2708 Monte Cresta Drive

To consider a Single-Family Design Review and Variance to construct a new 2,069 square-foot single-family residence that is below the zoning district permitted 2,082 square feet for this site. (Appl. No. 03-0038)

APN: 043-311-850; Zoned: R-1B (Single-Family Residential)

CEQA Status: Categorical Exemption per Section 15303, Class 3(a)

Applicant/Owner: Raminder Sachdeva

PP de Melo summarized the staff report, noting that the analysis and request for continuance was the same as discussed during the previous item.

Raminder Sachdeva, applicant, asked his architect to make a few comments.

Referring to overheads, Jerry Chapman, Architect, explained that the staircasing hides the stitch pier wall, adding that the stairs are within the property line setback and that the issues are the same as with the other property. Responding to comments made during the previous discussion about leaving the landscaping natural, he stated that the consensus was that anytime you start digging in the area water pockets would form and they would be asking for slides and sluff-off. By leaving the natural rock that has been there for 30 years, it should stay and remain natural. The landscaping was done around the driveway at the street level using deer-resistant material that would stay green down below. He stated that the staircasings were put outside in order to maximize the living area on the inside of the property; they would take up anywhere from 100 to 200 square feet and an elevator would need almost 6 square feet. He added that he would love to put an elevator in both of the residences if the Council would grant an extra 200 sq.ft. He stated that he will come back with a redesign and try to minimize the garage heights.

There were no questions from the Commission.

Chair Gibson opened the public hearing. No one came forward to speak.

MOTION: By Commissioner Frautschi, seconded by Commissioner Long, to close the public hearing. Motion passed.

VC Parsons commented that he did not believe that a car could be gotten out of the garage if there was a car parked on the left side; the driveway would have to be straightened out.

Since the project is in a landslide area zoned PD, C Wozniak asked staff to explain how they determine that there will be no impact. PP de Melo responded that mitigation needs to be in place to address the problem or the geologic hazards map must be modified to prove that the hazard does not exist. In this case the applicant proposes to mitigate the problem. CDD Ewing added that staff relies on a licensed geotechnical engineer to determine what constitutes an adequate mitigation and the license from the State is the best assurance that he knows what he is doing and is proposing something that will stand up over time. He further stated that Commissioner Frautschi's recommendation that a section be included in the staff report about the San Juan Plan and how it applies to this project may address that issue, but the Plan does not prohibit development on even the most sloppy soil – it merely requires that it be addressed, paid attention to, that the hazard be eliminated or designed to and that's what we ask the applicant to demonstrate through the geologic

reports and mitigation measures proposed by a licensed engineer. He added that every house sooner or later fails; what we have here are site conditions that increase the risk of failure sooner and so we look for the engineers to solve those problems.

C Frautschi commented that he believed that this piece of property has even more geological problems and issues than the previous one, and agreed with C Horton that, not only do the two places look identically ugly, they require creative engineering and architecture. He reiterated that he believes a landscape plan is essential because trees minimize bulk or at least the look of houses. He suggested that, if possible, a single driveway approach for both properties be considered. He repeated that the design in its current form is just not acceptable and that the houses that were shown on Longfellow look like huge monstrosities. He does not believe Belmont wants that and as long as he is on the Commission he will try to prevent that from happening.

MOTION: By Commissioner Long, seconded by Vice Chair Parsons, to continue 2708 Monte Cresta Drive until a date in the future to be determined by staff. (Appl. 03-0038)

Ayes: Long, Parsons, Wozniak, Dickenson, Horton, Frautschi, Gibson
Noes: None

Motion Passed 7/0

6. NEW BUSINESS

6A. Review of Driveway Retaining Wall Plan – 2625 Monte Cresta Drive.

PP de Melo summarized the staff memorandum recommending approval of the driveway retaining wall plan.

Chip Jessup, architect for the project, was available to answer questions.

VC Parsons asked if a railing on top of a retaining wall is required when the wall is more than 3' high. PP de Melo agreed to address that issue with the Building Official but noted that he did not believe one had been indicated as part of the plan check comment for the project. If a railing is required, VC Parsons commented that it should be some kind of a decorative railing that fits in with the architecture of the house and the stone.

MOTION: By Vice Chair Parsons, seconded by Commissioner Frautschi, to adopt the Resolution approving a driveway retaining wall plan for 2625 Monte Cresta Drive, with the added proviso that, if a railing is necessary, it be provided in some sort of architectural style with staff approval. (Appl. 2003-0075)

Ayes: Parsons, Frautschi, Long, Dickenson, Wozniak, Gibson
Abstain: Horton
Noes: None

Motion Passed 6/0/1

6B. Discussion of Agenda for Joint City Council / Planning Commission Meeting.

CDD Ewing reported that a one-hour joint meeting with the City Council has been scheduled for 6:30 p.m. on Tuesday, December 14th, and that Dan Rich, Interim City Manager, has asked what topics will be discussed. The following ideas were suggested:

- Council's Priority Calendar item for a Permit Efficiency Task Force, to look at the Commission's perceptions and expectations regarding the issue of the development review process (Ewing)
- Tracking and a notification process for administratively approved projects (Parsons)
- Discussion of downtown, such as zoning or a parking district (Dickenson)
- Refining of height limits in relation to extremely steep slopes (Gibson)
- Feedback from Council on how the Commission is doing (Gibson)
- An improved process for following up on projects (Wozniak)
- Floor Area Ratio (Long and Horton)
- Historic inventory and process (Long)
- When does an addition on a house trigger another parking space; i.e., what is a bedroom, what is not a bedroom? (Parsons)
- Feasibility of Planning Commissioners sitting as a Public Works Commission (Frautschi)

C Long would like to see them tackle more than one issue at the joint meeting, maybe 15-minute blocks on four issues, and then decide on follow-up that might extend 6 months until the next joint meeting. He believes the pace should be quick and they should try to avoid philosophy and all come to the meeting well prepared. He would like to see them set some ground rules ahead of time so that they could cover a lot of ground very quickly.

CDD Ewing stated that he would send out an email and then create a list and ask Commissioners to rank the items, and then he will discuss the list with the Mayor to see what his preference is, and come up with an agenda of three to four topics.

7. REPORTS, STUDIES, UPDATES, AND COMMENTS

- **Library site** – VC Parsons asked staff to determine how many trees have been removed at the library site and report back to the Commission if it is more than had been approved by the Commission. If so, he would like to know how it happened and who is responsible.
- **Notre Dame High School ball fields** – VC Parsons asked if the approved plans had been found. PP de Melo stated that they are gathering the required information and putting together a status report.
- **Monte Cresta Public Notice** – C Dickenson asked if staff is now printing public notices on bright yellow paper. PP de Melo replied that they are now using an electric yellow and that they have a picture from the applicant proving that they posted the notice on the poles adjacent to the building.

- **Process for pulling a CUP and Safeway code enforcement** – C Dickenson asked for staff direction as to the process for revoking a CUP in general, and what can be done to call Safeway on the carpet for CUP and/or code violations. To revoke a CUP, staff responded that a public hearing could be scheduled, with notice to the applicant and surrounding neighbors. CA Savaree added that a complaint could start out looking like a code enforcement action and might end up looking like a CUP revocation hearing; staff would have to determine if there is a zoning ordinance violation or a violation of a CUP condition. Staff is working with Safeway to get them to clean up their house and resolve the issues discussed at the 9/7/04 Commission meeting before getting back to the Commission on the entitlements for outdoor use they are seeking.

Chair Gibson reminded Commissioners of the upcoming Commission picnic.

**8. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING
OF
TUESDAY, October 12, 2004.**

Liaison: Commissioner Wozniak
Alternate Liaison: Commissioner Long

Commissioner Long advised that he will not be able to attend the Council meeting and will not be at the next Planning Commission meeting.

9. ADJOURNMENT:

The meeting adjourned at 9:25 p.m. to a Regular Meeting on Tuesday, October 19, 2004 at 7:00 pm at the Twin Pines Senior and Community Center.

Craig A. Ewing, AICP
Planning Commission Secretary

*Audiotapes of Planning Commission Meetings are available for review
in the Community Development Department
Please call (650) 595-7416 to schedule an appointment.*